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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

MITCH IRWIN
DIRECTOR

February 17, 2006

The Honorable Bart Stupak
U.S. Representative
2352 Rayburn House Office Building
Washington, DC 20515

Dear Representative Stupak:

I would like to express my concerns regarding H.R. 4167, "The National Uniformity for Foods Act of 2005." The stated purpose of the bill is to amend the Federal Food, Drug and Cosmetic Act (FFDCA) to provide for uniform food safety warning notification requirements – and for "other purposes." While the Michigan Department of Agriculture (MDA) is supportive of national uniformity in food labeling, it is the "other purposes" that causes concern. A review of this bill by attorneys representing food safety programs in eleven states concludes that beyond labeling, the bill will preempt state and local food safety and defense programs from protecting our citizens.

Although bill proponents argue the impact of this bill upon state food safety programs, there is enough evidence in place to convince me that it would be extremely unwise to move this bill forward until we have performed due diligence to ensure that our citizens are afforded sufficient food safety protection. MDA believes that modifications to the bill language are needed to resolve the differences and ensure that state and local governments continue to have the ability to respond quickly and effectively to either intentional or unintentional threats to our food supply.

State and local governments perform at least 80% of the nation's food safety and security work. Why would we erode the ability of these critical operations at a time when our nation is faced with threats such as bioterrorism and BSE ("Mad Cow Disease")? H.R. 4167 would prevent state and local ability to contain and remove adulterated food from the marketplace in a timely manner.

I strongly encourage you to oppose this bill and to call for hearings to better delineate the impact and issues that are clouded by the broad, vague, sweeping language in H.R. 4167.

Thank you for your consideration and for your support for Michigan's citizens.

Sincerely,

Mitch Irwin
Director